



# उत्तराखण्ड पावर कारपोरेशन लि०

(उत्तराखण्ड सरकार का उपक्रम)

## Uttarakhand Power Corporation Ltd.

(A. Govt. of Uttarakhand Undertaking)

CIN : U40109UR2001SGC025867

Email ID: dpupcl29@gmail.com Website: www.upcl.org

No. 60.85

/UPCL/RM/B-24

Dated: 28-12-2023

### BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

#### INDEX

IN THE MATTER OF: APPLICATION FOR DETERMINATION OF ADDITIONAL SURCHARGE IN ACCORDANCE WITH THE PROVISIONS OF UERC (TERMS AND CONDITIONS OF INTRA - STATE OPEN ACCESS) REGULATIONS, 2015 TO MEET THE FIXED COST OF UPCL ARISING OUT OF ITS OBLIGATION TO SUPPLY ELECTRICITY TO THE OPEN ACCESS CONSUMERS.

AND

IN THE MATTER OF: UTTARAKHAND POWER CORPORATION LIMITED.

.....Petitioner

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*Aj*  
(Ajay Kumar Agarwal)  
Director (Projects)

**BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

IN THE MATTER OF: Application for determination of Additional Surcharge in accordance with the provisions of UERC (Terms and Conditions of Intra - State Open Access) Regulations, 2015 to meet the fixed cost of UPCL arising out of its obligation to supply electricity to the open access consumers.

And

In the matter of: Uttarakhand Power Corporation Limited.

.....Petitioner

The humble applicant most respectfully showeth:

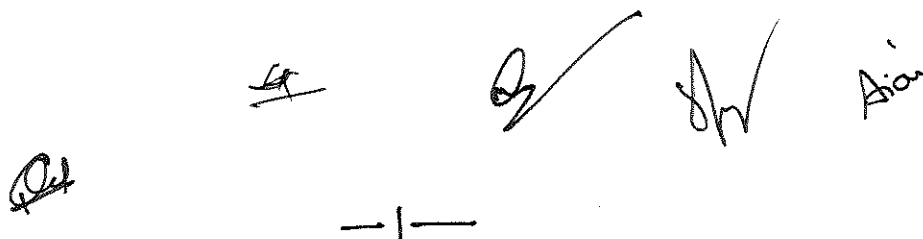
**1. Specific Legal Provision under which Petition is being filed:**

- (i) Section-42(4) of the Electricity Act, 2003 stipulates as follows:

*"Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply."*

- (ii) Ministry of Power, Government of India, in compliance of Section-3 of the Electricity Act, 2003, issued Tariff Policy on 28-01-2016. Section- 8.5.4 of this policy stipulates as follows:

*"The additional surcharge for obligation to supply as per section 42(4) of the Act should become applicable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. The fixed costs related to network assets would be recovered through wheeling charges."*

The bottom of the page contains several handwritten signatures and initials. From left to right, there is a signature that appears to be 'De', followed by a signature that looks like 'S', a large checkmark, a signature that looks like 'JW', and a signature that looks like 'Aion'. Below these signatures is a horizontal line with a vertical tick mark in the center, resembling a page separator or a signature line.

(iii) Regulation 23 of the of UERC (Terms and Conditions of Intra State Open Access) Regulations, 2015 provides as follows for applicability of Additional Surcharge:

"(1) Any consumer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge on the charges of wheeling, in addition to wheeling charges and cross-subsidy surcharge, to meet out the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act.

(2) This additional surcharge shall become applicable only if the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. However, the fixed costs related to network assets would be recovered through wheeling charges.

(3) The distribution licensee shall submit to the Commission, on six monthly basis, a detailed calculation statement of fixed cost which the licensee is incurring towards his obligation to supply.

The Commission shall scrutinize the statement of calculation of fixed cost submitted by the distribution licensee and obtain objections, if any, and determine the amount of additional surcharge.

Provided that any additional surcharge so determined by the Commission shall be applicable on prospective basis on all open access consumers.

(4) Additional surcharge determined on per unit basis shall be payable, on monthly basis, by the open access consumers based on the actual energy drawn during the month through open access.

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*Provided that such additional surcharge shall not be levied in case distribution access is provided to a person who has establish a captive generation plant for carrying the electricity to the destination of his own use."*

**2. Limitation:**

- (i) Hon'ble Commission vide its order dated 29-08-2019 directed as follows in the matter:

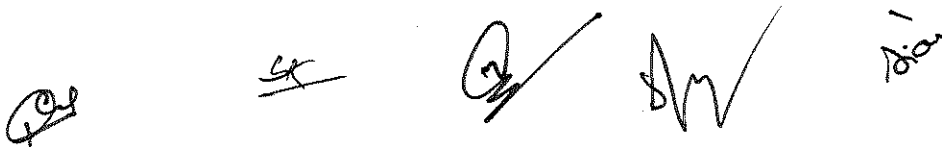
*"UPCL is hereby directed to file all future Petitions for levy of additional surcharge on open access consumers for the period April to September of the financial year based on the data of the corresponding previous period by 31st December and for the period October to March of the financial year based on the data of the corresponding previous period by 30th June of the same financial year."*

- (ii) As per direction of Hon'ble Commission, this petition is being filed within stipulated time i.e. upto 31-12-2023.

**3. Facts of the Case:**

- (i) As per methodology approved by the Hon'ble Commission in the order dated 29-08-2019, the claim of additional surcharge to be levied and collected for the period from 01-04-2023 to 30-09-2024 is mentioned hereinbelow.

- (ii) The details of stranded energy due to open access and the energy drawn through open access by the Consumers at State Periphery for the period from April, 2023 to September, 2023 are as follows:



S. No.	Month	Open Access Energy (MU)	Stranded Energy (MU)
1	Apr-23	1.48	1.48
2	May-23	2.90	2.90
3	Jun-23	3.23	3.23
4	Jul-23	4.83	4.83
5	Aug-23	2.97	2.97
6	Sep-23	0.82	0.83
Total		16.23	16.24

(iii) The details of powers surrendered from 06 plants for the period from April, 2023 to September, 2023 are as follows:

S. No.	Name of Plant	Energy Received at State Periphery (MU)	Energy Surrendered at State Periphery (MU)	Total Energy Entitled at State Periphery (MU)	Total Fixed Costs Incurred (Rs. Cr)	Avg. Fix cost (Rs/kWh)
1	Jhajjar Aravali	45.67	25.54	71.21	9.93	1.39
2	Dadri Gas	1.17	165.71	166.88	9.30	0.56
3	FG Unchahar-3	36.68	18.72	55.40	5.85	1.06
4	FG Unchahar-4	74.11	59.98	134.09	20.59	1.54
5	Anta	0.04	68.64	68.68	6.49	0.94
6	Auriya	0.28	135.58	135.86	11.43	0.84
7	Total	157.95	474.16	632.11	63.59	1.01

(iv) The computation of per unit additional surcharge to be levied for the period from 01-04-2023 to 30-09-2024 has been done as follows:

S. No.	Particulars	Value
a	Average fixed cost at State periphery (Rs. / unit)	1.01
b	Average fixed cost at consumer end after considering approved PTCUL losses @ 1.40% and distribution losses 13.25% @ (Rs. / unit)	1.18
c	Stranded energy (MU)	16.24
d	Open access energy (MU)	16.23
e	Proposed additional surcharge (b x c / d) (Rs. / unit)	1.18

*[Handwritten signatures and initials]*

(iii) The commercial data for the period from April, 2023 to September, 2023 is attached herewith as **Annexure - A**. Further, the data of stranded energy and open access energy is also attached as **Annexure - B** in soft copy.

(iv) Hon'ble Commission is requested to kindly approve the above proposed additional surcharge to be charged on the energy drawn through open access by the consumers.

**4. Cause of Action:**

This petition is being filed before the Hon'ble Commission in compliance of the provisions of Section - 42 (4) of the Electricity Act, 2003 and Regulation - 23 of the UERC (Terms and Conditions of Intra State Open Access) Regulations, 2015.

**5. Ground of Relief:**

Due to its obligation, petitioner has made arrangement to supply power to the Consumers including Open Access Consumers which they were buying earlier through Open Access. Due to power purchase through open access by the consumers, the fixed power purchase cost of the petitioner has become stranded which needs to be recovered from the open access consumers as per provisions of the Electricity Act, 2003.

**6. Details of Remedies Exhausted:**

As the Hon'ble Commission is the Appropriate Authority to consider the matter, no remedies has been sought from any other Forum / Court / Authority etc.

**7. Matter not previously filed and pending with any other Court:**

As the Hon'ble Commission is the Appropriate Authority to consider the matter, the application is being filed only before the Hon'ble Commission and no other application is pending in the matter with any other Court.











**8. Relief sought:**

The Petitioner prays that the Hon'ble Commission may:

- a) admit the accompanying Petition;
- b) approve the additional surcharge @ Rs. 1.18 / unit on the energy drawn through open access by the consumers for the period from April, 2024 to September, 2024; and
- c) pass orders, as the Hon'ble Commission may deem fit and proper keeping in view the facts and circumstances of the case.

**9. Interim Order, if any, prayed for:**

No prayer for interim order has been made.

**10. Details of Index:**

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**11. Particulars of fee remitted:**


Application fee amounting to Rs. 20,000 (Rs. Twenty Thousand) only has been deposited in the bank account of Hon'ble UERC.



12. List of enclosures:


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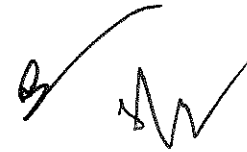
For and on behalf of  
Uttarakhand Power Corporation Limited

  
(Ajay Kumar Agarwal)  
Director (Projects)

**Verification**

I, Ajay Kumar Agarwal, S/o Late Shri H. M. Agarwal, aged about 58 years, working as Director (Projects) - Uttarakhand Power Corporation Limited, VCV Gabar Singh Urja Bhawan, Dehradun do hereby verify that the contents of Paras 1 to 12 are derived from official records, which are true to my personal knowledge and that I have not suppressed any material fact.

  
(Ajay Kumar Agarwal)  
Director (Projects)





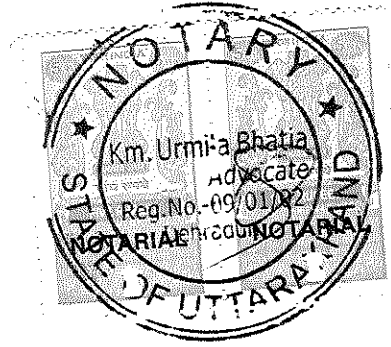
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INDIA NON JUDICIAL

Government of Uttarakhand

e-Stamp

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Purchased by : UPCL
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Property Description : NA
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First Party : UPCL
Second Party : NA
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Stamp Duty Amount(Rs.) : 10 (Ten only)



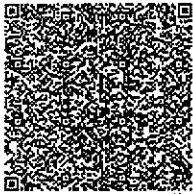
File No. ....

Case No. ....

BEFORE UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Filing of application for determination of Additional Surchage in accordance with the provisions of UERC (Terms and Conditions of Intra State Open Access) Regulations, 2015 to meet the fixed cost of UERC arising out of its obligation to supply electricity through open access consumers.



and

In the matter of:

Uttarakhand Power Corporation Limited.

Please write or type below this line

Petitioner.

AFFIDAVIT VERIFYING THE PETITION

I, Ajay Kumar Agarwal, S/o Late Shri H. M. Agarwal, aged about 58 years, working as Director (Projects) - Uttarakhand Power Corporation Limited, VCV Gabar Singh Urja Bhawan, Dehradun, the deponent named above do hereby solemnly affirm and state on oath as under:

- 1. That the deponent is the Director (Projects) of Uttarakhand Power Corporation Limited who is acquainted with the facts deposed to below.
2. I, the deponent named above do hereby verify that the contents of the paragraph No-1 of the affidavit and those of the paragraph No.-1 to 12 of the accompanying petition are based on the perusal of records which I believe to be true and verify that no part of this affidavit is false and nothing material has been concealed.

Deponent

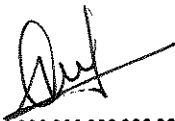
(Ajay Kumar Agarwal)
Director (Project)

Uttarakhand Power Corporation Limited

Statutory Alert:

- 1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

I, Anil Prasad Ramakoti....., Advocate, do hereby declare that the person making this affidavit is known to me through the perusal of records and I am satisfied that he is the same person alleging to be deponent himself.

(..........)

Advocate  
R.N. 5154/14

Solemnly affirmed before me on this .....28..... day of December 2023..... by the deponent who has been identified by the aforesaid advocate.

I have satisfied myself by examining the deponent that he understood the contents of the affidavit which has been read over and explained to him. He has also been explained about section 193 of Indian Penal Code that whoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates evidence for purpose of being used in any of the proceedings shall be liable for punishment as per law.

This affidavit is sworn before me by  
Shri.....Anil Prasad Ramakoti.....  
who is identified by Kamla Bhatia  
at Dehradun. ....  
(Notary Public)

28/12/23

KM. URMILA BHATIA  
Advocate & NOTARY, Dehradun

